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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,036	12/28/2000	Sergo Haumont	975.320USWI	8095

32294 7590 07/26/2005

SQUIRE, SANDERS & DEMPSEY L.L.P.  
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8000 TOWERS CRESCENT  
TYSONS CORNER, VA 22182

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/751,036

Applicant(s)

HAUMONT ET AL.

Examiner

Charles R. Craver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida, EP 739147 in view of Ikeda, EP 758175.

**Claim 33:** Ishida discloses a voice mail system with receiving means for receiving an incoming message, means for adapting the message into a data format for transmission, and means for transmitting the data to a mobile station over a network (col 8 line 32-col 10 line 41). Ishida fails to disclose that the data is in packet format and the network is a packet-switched network.

Ikeda discloses a voice mail system with receiving means for receiving an incoming message, means for adapting the message into a data packet format for transmission, and means for directly transmitting the data to a mobile station over a packet-switched network afterwards (col 21 line 31-col 22 line 41). Since voice packet communication is considered delay-sensitive while data packet communication is considered error-sensitive, such data packet communication is read as not meeting a delay requirement.

Therefore, it would have been obvious to one of ordinary skill in the art, given the advantages of data packet transmission, to use the packet-switched network of Ikeda in

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the system of Ishida, as Ikeda states that "there is a requirement for employing a packet communication as one method of data communications in the mobile communication", see col 1 lines 27-31. **Claims 36-38:** Ishida discloses that the system may repeatedly attempt to resend the message in a predefined manner, and to inform and dispatch the message if the MS becomes available again (col 9 lines 16-39). **Claim 39:** Ishida discloses that the message may be dispatched when the MS sends a request (col 9 lines 40-52).

**Claims 34 and 35:** While disclosing applicant's invention of claim 33 above, Ikeda fails to disclose GPRS or UMTS or an ISDN. However, all were widely used in cellular communications at the time for packet data, and as such the examiner takes Official Notice of such features, asserting that one of ordinary skill in the art at the time of the invention would have considered them for use in the data system of Ikeda as they were standardized data systems and messaging methods available at the time.

Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Ikeda as applied to claim 36 above, and further in view of Sumner, US Pat 6,091,947.

While disclosing applicant's invention of claim 36 above, Ishida in view of Ikeda fails to disclose telling the MS that a message is still waiting to be dispatched.

Sumner discloses a packet voice mail system similar to both Ishida and Ikeda, wherein the system may tell the MS that messages are still pending, including listing said messages and identifying if they are deliverable (col 8 lines 14-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Ishida in view of Ikeda, as it would help the user understand the messages waiting and assure that he/she doesn't turn off the phone while priority messages are waiting, as described by Sumner in col 8 lines 46-53.

### ***Response to Arguments***

Applicant's arguments filed 4-6-05 have been fully considered but they are not persuasive.

The examiner upholds the rejection set forth above. While it is agreed that Ishida fails to disclose directly dispatching the voice mail to the user, it is asserted that Ikeda discloses the use of directly dispatching the voice mail after packetizing, see col 18 lines 5-30 and col 21 lines 2-21, where it is stated that the voice mail storage and producing devices (including packetizing device 25) after which the network sends a request to send the voice mail to the user to the voice line controller 20 in the switching center, and then "upon receipt of this request, the packet line controller 50 transmits a voice mail to the communication terminal 4 (S426), requesting that the user reproduces the voice mail." As such, the voice mail is packetized and directly sent to the user device 4.

Further arguments regarding Sumner and further grounds of rejection by the applicant depend directly on the grounds of argument brought up above, and as such apply in regards to the arguments re: Sumner.

### ***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

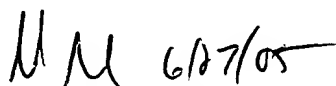
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cc  
June 27, 2005

  
**CHARLES CRAVER**  
**PRIMARY EXAMINER**